

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE VANGUARD CHESTER FUNDS
LITIGATION

Lead Case No. 2:22-cv-00955-ER

**VERDUCE ET AL. PLAINTIFFS' AND LIANG ET AL. PLAINTIFFS'
JOINT MOTION TO SUBMIT SUPPLEMENTAL DECLARATIONS CONCERNING
THE APPOINTMENT OF INTERIM CLASS COUNSEL**

The *Verduce et al.* Plaintiffs and the *Liang et al.* Plaintiffs have filed competing motions to appoint interim class counsel. ECF Nos. 36, 37. Each group filed a respective opposition brief. ECF Nos. 40, 41. Both groups jointly ask to submit supplemental declarations, to respond to points raised in the opposition briefing. Both groups consent to the submission of the supplemental declarations. Neither group seeks any reply briefing.

Brief statement of the *Verduce et al.* Plaintiffs

In their opposition brief, the *Liang et al.* Plaintiffs asserted that Ms. Verduce “has made no representation that when she filed her case, she had obtained prior approval from the FTC to serve as a named plaintiff and class representative in this private class action, or that she had consulted with her agency’s ethics officials. … Without any representation from Ms. Verduce or the Dovel team that she obtained clearance from the FTC it is unclear whether she will, in fact, be able to serve in a representational capacity in this litigation …” ECF No. 41 at 7-8.

This concern is unfounded. As the attached Verduce declaration attests (Exhibit A), Ms. Verduce did obtain all necessary prior clearances to participate as a class representative in this

case and did consult with her agency's ethics counsel. Accordingly, it is clear that "she will, in fact, be able to serve in a representational capacity in this litigation." ECF No. 41 at 8.

Brief statement of the *Liang et al.* Plaintiffs

In their opposition brief, the *Verduce, et al.* Plaintiffs asserted that "Rosen stated that it would support the Dovel team only if it were guaranteed a substantial percentage of attorneys fees," which Dovel "rejected...because this fee guarantee was contrary to the best interest of the class." Dkt. No. 40 at 3. This description of the firms' discussions is not fully accurate. As the attached Kim Declaration (Exhibit B) explains, Rosen Law proposed that "the firms would divide the work, costs, and any attorneys' fees awarded upon a successful resolution on a percentage basis," which "removes the incentive for firms to compete with each other and do extraneous work ... more closely align[ing] counsel's interests with those of the class."

Additionally, the *Verduce, et al.* Plaintiffs' opposition brief asserted that the attorneys at Rosen Law lack any trial experience. Dkt. No. 40 at 6. This is not true. The Kim Declaration sets forth examples of the firm's trial experience, including that of key partners with the firm and attorneys in Rosen Law's Pennsylvania office.

Dated: July 11, 2022

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**pro hac vice* application forthcoming

CERTIFICATE OF SERVICE

I certify that on this day I caused a true and correct copy of the foregoing motion to be filed using the Court's Electronic Filing System ("ECF System"). The documents are available for viewing and downloading via the ECF System and will be served by operation of the ECF System upon all counsel of record.

Dated: July 11, 2022

DOVEL & LUNER, LLP

/s/ Jonas Jacobson

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